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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

INTELLIGENT DIGITAL SYSTEMS, LLC,
RUSS & RUSS PC DEFINED BENEFIT
PENSION PLAN, and JAY EDMOND RUSS,

Plaintiffs,

-against-

VISUAL MANAGEMENT SYSTEMS, INC.,
JASON GONZALEZ, HOWARD HERMAN,
ROBERT MOE, MICHAEL RYAN,
COL. JACK JACOBS, Ret., and MARTY McFEELY,

Defendants.

Case No.: CV 09-974
(LDW/ETB)

NOTICE OF
DISCONTINUANCE OF
ACTION
(Against Howard Herman)

PLEASE TAKE NOTICE that pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Baksh v. Captain, 2000 WL 33177209 (E.D.N.Y., 2000) and General Foods Corp. v. Jay Zimmerman Co., 1990 WL 115714 (S.D.N.Y., Aug. 7, 1990), Plaintiffs hereby discontinue the action against the defendant HOWARD HERMAN, only, without prejudice and without costs.

Nothing contained in this notice shall constitute a withdrawal or discontinuance of Plaintiffs' claims against the remaining defendants.

Dated: Great Neck, New York
October 20, 2009

REED SMITH LLP

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Central App. No. 10/22/09